

Facility Permitting Policy for the Beach and Parks Department, which such order is on file in the Official Minutes of the Galveston County Commissioners' Court on file in the Office of the Galveston County Clerk having Microfilm Identification Numbers 300-32-0217 through 300-32-0230. This Order does not rescind, repeal, and/or replace such order. The order adopted on May 6, 2002 regulating mass gatherings remains effective and pursuant to such order mass gatherings on the beach are regulated.

3. In accordance with Section 61.254 of the Texas Natural Resources Code, and the order of May 6, 2002 regulating mass gatherings, a person commits an offense if the person violates the order adopted under Subchapter G of Chapter 61 of the Texas Natural Resources Code and an offense under this section is a Class B misdemeanor, as set forth in the May 6, 2002 order.
4. Permit fees for mass gatherings on the beach shall be used for beach-related services.

C. Use of Fee Revenue

1. Revenues from beach user fees may be used only for beach-related services.
2. Beach-related services and facilities may serve only those areas on or immediately adjacent to the public beach.
3. All funds derived by Galveston County from the fee requirement of this chapter shall be used exclusively for beach-related services such as:
 - a. the provision, construction, maintenance, replacement and repair of:
 - (1) sanitary facilities on the beach provided for the use and convenience of the public,
 - (2) on and off beach parking facilities,
 - (3) Traffic control or road signs, devices or structures on the beach, and
 - (4) sand dunes.
 - b. the cleaning and maintenance of the public beach,
 - c. public safety on the beach, and
 - d. all costs directly related to the management of the beach; provided however, that the County shall not spend more than 10% of beach user fee revenues on administrative costs that are directly related to beach-related services.

D. Free Beach Access and Access for Disabled Persons

1. The County provides free beach access on Bolivar Peninsula. The County, pursuant to section VI(A) of this Order, shall charge for parking on the beaches of Bolivar Peninsula.
2. All beaches on Bolivar Peninsula are accessible to vehicles, and ramps accessible to the disabled are provided at Galveston Island Beach Pocket Parks #2 and #3.

E. Cooperation with Other Counties and Municipalities

1. Galveston County may, by Interlocal Agreement, Chapter 791 of the Texas Government Code agree with cities located within Galveston County to accept permits issued by such cities as valid County permits for the purposes of this section, as authorized by § 63.011(b) and (c) of the Texas Natural Resources Code.
2. Galveston County may, by Interlocal Agreement, agree with neighboring counties to accept permits issued by such counties, or to administer such counties' permit programs.

VII. CIVIL PENALTIES

- A. Assessment. In addition to any penalties assessed by the County, any person (as defined in the GLO Rules) who violates either the Dune Protection Act, the Open Beaches Act, this Order, or a permit condition is liable to the GLO for a civil penalty of not less than \$50 nor more than \$1,000 per violation per day. Each day the violation occurs or continues constitutes a separate violation. Violations of the Dune Protection Act, the Open Beaches Act, and the rules adopted pursuant to those statutes are separate violations and the GLO may assess separate penalties. The assessment of penalties under one Act does not preclude another assessment of penalties under the other Act for the same act or omission. Conversely, compliance with one statute and the rules adopted thereunder does not preclude the GLO from assessing penalties under the other statute and the rules adopted pursuant to that statute.
- B. Informing GLO. If the County has knowledge of a violation or a threatened violation of a permit, this Order, the Dune Protection Act, the Open Beaches Act, or the GLO Rules, it must inform the GLO of the violation(s) within 24 hours.
- C. Mitigating Circumstances. The County will consider the following mitigating circumstances when referring violations for assessment of penalties and the GLO will consider the following mitigating circumstances in determining whether the assessment of penalties is appropriate: acts of God, war, public riot, terrorist acts, or strike; unforeseeable, sudden, and natural occurrences of a violent nature; and willful misconduct by a third party not related to the permittee by employment or contract.

VIII. CRIMINAL PENALTIES

- A. Misdemeanor. Any person violating an offense portion of this Order shall be guilty of a misdemeanor.
- B. Punishment. Upon conviction of violating an offense portion of this Order, the person shall be punished as follows:
 - 1. for a first conviction, a fine of not less than \$50.00 nor more than \$100.00;
 - 2. for a second conviction, a fine of not less than \$100.00 nor more than \$200.00;
 - 3. for any subsequent convictions after the second conviction, a fine of not less than \$200.00 nor more than \$1,000.00 or confinement in the County jail for not more than 60 days, or both.

IX. GENERAL PROVISIONS

- A. Construction
 - 1. This Order and all orders, resolutions, or other enactments related or pursuant to this Order shall be read in harmony with County orders of general applicability. If there is any conflict between them which cannot be reconciled by ordinary rules of legal interpretation, this Order controls.
 - 2. This Order and all orders, resolutions, or other enactments related or pursuant to this Order shall be read in harmony with the Open Beaches Act, the Dune Protection Act, and GLO Rules implementing them. If there is any conflict between them which cannot be reconciled by ordinary rules of legal interpretation, state law provisions control.